



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 05 1995

REPLY TO THE ATTENTION OF:

FACSIMILE (312) 201-2555  
AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

HS-6J

Robert L. Shuftan  
Wildman, Harrold, Allen & Dixon  
225 West Wacker Drive, 30th Floor  
Chicago, Illinois 60606-1229

Re: Koppers Industries, Incorporated, Cicero, Illinois  
Crude Coal Tar Discharge to Chicago Sanitary & Ship Canal

Dear Mr. Shuftan:

Enclosed is a Unilateral Administrative Order ("UAO"), pursuant to Section 311 of the Clean Water Act ("CWA"), 33 U.S.C. § 1321. This UAO orders your client, Koppers Industries, Incorporated ("Koppers") to undertake the removal actions determined by the United States Environmental Protection Agency ("U.S. EPA") to be necessary to address the crude coal tar discharge to Chicago Sanitary & Ship Canal from the Koppers facility in Cicero, Illinois. In addition, the UAO orders your client reimburse the United States for its costs of monitoring and overseeing the removal actions performed under this order and the costs which the United States has already incurred at said site.

If you have any questions or concerns, please call Jeffrey Cox, Assistant Regional Counsel, at (312) 353-3112.

Sincerely,

William E. Munoz, Director  
Superfund Division

Enclosure

cc: Mark Seely, Koppers

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:	)	Docket No. V-W-96-AO-01
	)	
KOPPERS INDUSTRIES, INC.	)	ADMINISTRATIVE ORDER
CICERO, ILLINOIS	)	PURSUANT TO SECTION 311
FPN 096001	)	OF THE CLEAN WATER ACT
	)	33 U.S.C. § 1321
Respondent.	)	
	)	

**I. JURISDICTION AND GENERAL PROVISIONS**

This Order is issued by the United States Environmental Protection Agency ("U.S. EPA") to Koppers Industries, Incorporated ("Koppers" or "Respondent"). The Order is issued pursuant to the authority vested in the President of the United States by Section 311(c), (e), and (m) of the Clean Water Act ("CWA"), 33 U.S.C. § 1321(c), (e) and (m). This authority has been delegated to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") by Executive Order 12777 (October 22, 1991), and further delegated to the Regional Administrators by U.S. EPA Delegation Nos. 2-85, 2-89, and 2-13, and to the Director of the Waste Management Division by a Regional Delegation, dated September 17, 1992. Effective October 1, 1995, the authority was redelegated from the Director of the Waste Management Division to the Director of the Superfund Division.

This Order provides for performance of removal actions and reimbursement of removal costs incurred by the United States in connection with property located at 3900 South Laramie Avenue, Cicero, Illinois, and the Chicago Sanitary and Ship Canal ("Canal"). This Order requires Respondent to conduct removal actions described herein to abate an imminent and substantial threat to the public health or welfare of the United States, including fish, shellfish, and wildlife, public and private property, shorelines, beaches, habitat, and other living and nonliving natural resources under the jurisdiction or control of the United States, because of an actual or threatened discharge of oil from a facility in violation of Section 311(b) of CWA, 33 U.S.C. § 1321(b).

Pursuant to Section 311(e)(1)(B) of CWA, 33 U.S.C. § 1321(e)(1)(B), U.S. EPA has notified the State of Illinois of the issuance of this Order.

**II. PARTIES BOUND**

This Order applies to and is binding upon Respondent and Respondent's heirs, receivers, trustees, successors and assigns.



Any change in ownership or corporate status of Koppers Industries, Inc., including, but not limited to, any transfer of assets or real or personal property shall not alter such Respondent's responsibilities under this Order. Respondent is jointly and severally liable for carrying out all activities required by this Order.

Respondent shall ensure that its contractors, subcontractors, and representatives comply with this Order. Respondent shall be responsible for any noncompliance with this Order.

### **III. FINDINGS OF FACT**

Based on available information, U.S. EPA hereby finds that:

1. Koppers Industries, Inc., owns and operates a chemical manufacturing facility ("Facility") at 3900 South Laramie Avenue, Cicero, Illinois. The Facility operates as a producer of coal tar products, including tar, creosote, and other oil-based products.
2. On September 8, 1995, at 8:15 p.m., Koppers discovered a spill of approximately 17,000 gallons of crude coal tar which discharged into the Chicago Sanitary and Ship Canal ("Canal"). The source of the spill was a storage tank transfer pipeline, located adjacent to the Canal. The cause of the spill was a ruptured weld joint on the transfer pipeline.
3. Koppers reported the discharge to the National Response Center ("NRC") on September 9, 1995, at 12:22 a.m.. The NRC Incident Reports are found in Attachment A of this order. The U.S. EPA On-Scene Coordinator, Walter Nied, responded on September 9, 1995 and began monitoring Koppers' cleanup activities.
4. Due to its physical characteristics, most of the crude coal tar settled through the water column and accumulated on the bottom of the Canal. It is likely that the crude coal tar also contaminated soils on the shoreline around the ruptured pipeline.

### **IV. CONCLUSIONS OF LAW AND DETERMINATIONS**

Based on the Findings of Fact set forth above, U.S. EPA has determined that:

1. The Facility is an "onshore facility" as defined by Section 311(a)(10) of CWA, 33 U.S.C. § 1321(a)(10), and by Section 1001(24) of the Oil Pollution Act ("OPA"), 33 U.S.C. § 2701(24).

2. Respondent is a "person" as defined by Section 311(a)(7) of CWA, 33 U.S.C. § 1321(a)(7), and by Section 1001(27) of OPA, 33 U.S.C. § 2701(27).

3. Respondent is an "owner or operator" of the Facility as defined by Section 311(a)(6) of CWA, 33 U.S.C. § 1321(a)(6), and by Section 1001(26) of OPA, 33 U.S.C. § 2701(26).

4. A "removal" as defined in Section 311(a)(8) of CWA, 33 U.S.C. § 1321(a)(8) and Section 1001(30) of OPA, 33 U.S.C. § 2701(30), is necessary at the Facility to minimize and mitigate damage to the public health or welfare.

5. An actual or threatened "discharge" as defined in Section 311(a)(2) of CWA, 33 U.S.C. § 1321(a)(2) and Section 1001(7) of OPA, 33 U.S.C. § 2701(7), and 40 C.F.R. § 110.1, is occurring or has occurred at or from the Facility.

6. Crude coal tar is an "oil" as defined in Section 311(a)(1) of CWA, 33 U.S.C. § 1321(a)(1) and Section 1001(23) of OPA, 33 U.S.C. § 2701(23), and is currently present at and around the Facility.

7. The Chicago Sanitary and Ship Canal is a "navigable water" of the United States as defined in Section 502(7) of the CWA, 33 U.S.C. § 1362(7) and Section 1001(21) of OPA, 33 U.S.C. § 2701(21).

8. The Canal is a "natural resource" within the meaning of the National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 C.F.R. § 300.5, and Section 1001(20) of OPA, 33 U.S.C. § 2701(20).

9. "Natural resources", as defined in the NCP, 40 C.F.R. § 300.5, and Section 1001(20) of the OPA, 33 U.S.C. § 2701(20), may be affected by the discharge at or from the Facility.

10. The Facility may pose an imminent and substantial threat to the public health or welfare of the United States because of an actual discharge of crude coal tar from the Facility in violation of Section 311(b) of CWA, 33 U.S.C. § 1321(b).

11. There is or has been a release of regulated substances into the environment from the aboveground piping owned and/or operated by Respondent.

12. The measures set forth in this Order are necessary to protect human health and the environment and to abate, minimize, stabilize, mitigate or eliminate the discharge or threat of a discharge of oil at or from the Facility.



13. Under Section 1002(b)(1) of OPA, 33 U.S.C. § 2702(b)(1), Respondent is liable to the United States Government for all removal costs incurred by the United States in connection with the Facility.

14. Under Section 311(b) of CWA, 33 U.S.C. §1321(b), Respondent may be subject to a civil penalty in an amount up to \$25,000 per day of violation or an amount up to \$1,000 per barrel of oil discharged.

#### V. ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law and Determinations, U.S. EPA hereby orders Respondent to comply with the following provisions, including but not limited to all documents attached to or incorporated into this Order, and perform the following actions:

1. Notice of Intent to Comply

Respondent shall notify EPA in writing within 3 business days after the effective date of this Order of Respondent's irrevocable intent to comply with this Order. Failure of Respondent to provide such notification within this time period shall be a violation of this Order.

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondent shall retain (a) contractor(s) to investigate the source and extent of contamination and to implement the removal actions to abate the actual, or threat of an, ongoing discharge to the Canal. Respondent shall notify U.S. EPA of the name and qualifications of such contractor(s) within 5 business days of the effective date of this Order. Respondent shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order. U.S. EPA retains the right to disapprove any of the contractors and/or subcontractors retained by the Respondent. If U.S. EPA disapproves a selected contractor, Respondent shall retain a different contractor within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that contractor's name and qualifications within 4 business days of U.S. EPA's disapproval.

Within 5 business days after the effective date of this Order, the Respondent shall designate a Project Coordinator who shall be responsible for administration of all the Respondent's actions required by the Order. Respondent shall submit the designated coordinator's name, address, telephone number, and qualifications to U.S. EPA. To the greatest extent possible, the Project Coordinator shall be present on-site or readily available during



site work. U.S. EPA retains the right to disapprove of any Project Coordinator named by the Respondent. If U.S. EPA disapproves a selected project coordinator, Respondent shall retain a different Project Coordinator within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 4 business days of U.S. EPA's disapproval. Receipt by Respondent's Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by Respondent.

The U.S. EPA has designated Karen Vendl and Leonard Zintak of the Emergency Response Branch, Region 5, as its On-Scene Coordinators ("OSC"). Respondent shall direct all submissions required by this Order to the OSC at: U.S. Environmental Protection Agency, Emergency Response Section, 77 West Jackson Boulevard, Mail Code HSE-5J, Chicago Illinois 60604-3590, by certified mail, express mail, or commercial courier service. Respondent is encouraged to make its submissions to U.S. EPA on recycled paper (which includes significant postconsumer waste paper content where possible) using two-sided copies.

U.S. EPA and Respondent shall have the right, subject to the preceding paragraph, to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondent, and Respondent shall notify U.S. EPA, as early as possible before such a change is made, but in no case longer than 24 hours after such a change. The initial notification may be made orally but it shall be promptly followed by a written notice.

### 3. Work to Be Performed

A. Respondent shall perform the work set forth in the following Statement of Work. "Work" as used in this Order shall mean all requirements of this Order and all requirements of the Statement of Work.

B. Unless otherwise specified, all reports and notifications required by this Order to be given to U.S. EPA shall be submitted to:

Leonard Zintak / Karen Vendl  
On-Scene Coordinator  
U.S. Environmental Protection Agency  
Emergency & Enforcement Response Branch (HSE-5J)  
77 West Jackson Boulevard  
Chicago, IL 60604  
Telephone (312) 886-4246 / (312) 886-7194

C. All containment, remediation, mitigation, and removal action performed by the Respondent, shall be consistent with the OPA, the CWA, and the NCP.



D. The Respondent shall perform the following Statement of Work:

1. Develop and implement a site Health & Safety Plan;
2. Develop and implement an air monitoring plan;
3. Develop and implement a sampling and analysis plan;
4. Propose cleanup standards for the contaminated sediment in the Chicago Sanitary and Ship Canal (the Canal);
5. Prevent further leakage of crude coal tar and coal tar constituents into the Canal;
6. Determine the horizontal and vertical extent of contamination in the Canal;
7. Contain and recover the crude coal tar and coal tar constituents that have spilled into the Canal;
8. Prevent the migration of contaminants during the Canal cleanup;
9. Confirm cleanup of the Canal sediments.

E. Contamination on the adjacent shoreline near the ruptured pipeline shall be addressed under a separate administrative order.

### 3.1 Work Plan and Implementation

Within 5 business days after the effective date of this Order, the Respondent shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

U.S. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If U.S. EPA requires revisions, Respondent shall submit a revised draft Work Plan within 2 business days of notification. Respondent shall implement the Work Plan as finally approved by U.S. EPA in accordance with the schedule approved by U.S. EPA. The approved Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order.

Respondent shall not commence or undertake any future removal actions at the Facility without prior U.S. EPA approval.



### 3.2 Health and Safety Plan

An approved site health and safety plan shall be in effect before any significant clean-up activities commence. The Respondents shall submit for U.S. EPA review and comment a plan that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration ("OSHA") regulations found at 29 C.F.R. Part 1910. If U.S. EPA determines it is appropriate, the plan shall also include contingency planning.

Respondents shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the removal action.

### 3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and guidance regarding sampling, quality assurance/quality control ("QA/QC"), data validation, and chain of custody procedures. Respondent shall develop a plan to ensure the sampling and laboratory analysis complies with U.S. EPA QA/QC guidance.

Upon request by U.S. EPA, Respondent shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondent shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondent shall also ensure provision of analytical tracking information consistent with the NCP and may use OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites" as guidance.

Upon request by U.S. EPA, Respondent shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondent or its contractors or agents while performing work under this Order. Respondent shall notify U.S. EPA not less than 3 business days in advance of any sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary. U.S. EPA shall give Respondent advance notice of such activity so that it may take split and/or duplicate samples.

### 3.4 Reporting

Respondent shall submit a bi-weekly written progress report to U.S. EPA concerning actions undertaken pursuant to this Order, beginning 14 calendar days after the effective date of this Order and continuing until the termination of this Order, unless otherwise directed in writing by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems



encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Respondent shall, at least 30 days prior to the conveyance of any interest in real property at the Facility, give written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.3 (Access to Property and Information).

The OSC may request weekly reports when the activities at the site warrant a higher reporting frequency.

### 3.5 Final Report

Within 60 calendar days after completion of construction and implementation of the removal actions required under this Order, Respondent shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in Section 300.165 of the NCP, 40 C.F.R. § 300.165. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed off-site or handled on-site, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

### 4. Access to Property and Information

Respondent shall provide or obtain access to the Facility and off-site areas to which access is necessary to implement this Order, and shall provide access to all records and documentation related to the conditions at the Facility and the actions conducted pursuant to this Order. Such access shall be provided



to U.S. EPA, the U.S. Coast Guard ("USCG"), the U.S. Fish and Wildlife Service, and their employees, contractors, agents, consultants, designees, representatives, and State of Illinois representatives. These individuals shall be permitted to move freely at the Facility and appropriate off-site areas in order to conduct actions which U.S. EPA determines to be necessary. Respondent shall submit to U.S. EPA the results of all sampling or tests and all other data generated by Respondent or its contractor(s), or on the Respondent's behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondent, Respondent shall use its best efforts to obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondent shall immediately notify U.S. EPA if, after using its best efforts, it is unable to obtain such agreements. Respondent shall describe in writing its efforts to obtain access. U.S. EPA may then assist Respondent in gaining access, to the extent necessary to effectuate the response actions described herein, using such means as U.S. EPA deems appropriate. Respondent shall reimburse U.S. EPA for all costs and attorneys' fees incurred by the United States in obtaining such access.

#### 5. Record Retention, Documentation, Availability of Information

Respondent shall preserve all documents and information relating to work performed under this Order for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondent shall notify U.S. EPA that such documents and information are available to U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondent shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of U.S. EPA.

#### 6. Off-Site Shipments

Respondent shall, prior to any off-facility shipment of oil, oil-contaminated soil, or oil-contaminated water, provide written notification of such shipment to the appropriate Illinois Environmental Protection Agency ("IEPA") official and to the U.S. EPA OSC. The notification shall include (1) the name and location of the facility to which the oil will be shipped; (2) the type and quantity of the oil to be shipped; (3) the expected schedule for the shipment of the oil; and (4) the method of transportation of the shipment of oil. Respondent shall also notify the appropriate IEPA official of major changes in the shipment plan, such as a decision to ship the oil to another



facility. All off-site shipments of oil, oil-contaminated soil and oil-contaminated water shall be transported, stored, and disposed of in accordance with all applicable U.S. Department of Transportation regulations, with the NCP and with all other applicable Federal, state and local laws and regulations.

7. Compliance With Other Laws

Respondent shall perform all actions required pursuant to this Order in accordance with all applicable local, state, and federal laws and regulations.

8. Emergency Response and Notification of Discharges

If any incident, or change in Facility conditions, during the activities conducted pursuant to this Order causes or threatens to cause a discharge of oil and/or hazardous substances from the Facility or an endangerment to the public health, welfare, or the environment, the Respondent shall immediately take all appropriate action to prevent, abate or minimize such discharge or endangerment caused or threatened by the discharge.

Respondent shall also immediately notify the OSC or, in the event of his/her unavailability, shall notify the Regional Duty Officer, Emergency Response Branch, Region V at (312) 353-2318, of the incident or Facility conditions. If Respondent fails to respond, U.S. EPA may respond to the discharge or endangerment and reserves the right to recover costs associated with that hazardous substance response. The United States reserves the right to recover costs associated with that oil response.

Respondent shall submit a written report to U.S. EPA within 7 business days after each discharge, setting forth the events that occurred and the measures taken or to be taken to mitigate any discharge or endangerment caused or threatened by the discharge and to prevent the reoccurrence of such a discharge. Respondent shall also comply with any other applicable notification requirements, including, if applicable, those in CWA Section 311, 33 U.S.C. § 1321, CERCLA Section 103, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

9. Additional Work

In the event U.S. EPA or the Respondent determines that additional work, not otherwise included in the Work Plan, is necessary to protect human health and/or the environment, notification of additional work shall be provided to all parties.

Additional work determined to be necessary by Respondent shall be subject to the written approval of U.S. EPA.

Additional work determined to be necessary by Respondent and approved by U.S. EPA, or determined to be necessary by U.S. EPA



and requested of Respondent, shall be completed by Respondent in accordance with the standards and specifications determined or approved by EPA. Respondent shall propose and submit a schedule for additional work for U.S. EPA approval. U.S. EPA may modify or determine the schedule for additional work. Additional work shall be performed in a manner consistent with the purposes and objectives of this Consent Order.

10. Paperwork Reduction Act

The information required to be maintained or submitted pursuant to this Order is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.

**VI. COMPLIANCE WITH THIS ORDER**

Violation of any provision of this Order may subject Respondent to civil penalties of up to twenty-five thousand dollars (\$25,000) per day of violation or an amount up to 3 times the costs incurred by the Oil Spill Liability Trust Fund, as provided in Section 311(b)(7)(B) of CWA, 33 U.S.C. § 1321(b)(7)(B). Should Respondents violate this Order or any portion hereof, U.S. EPA may carry out the required actions unilaterally, pursuant to Section 311(c) of CWA, 33 U.S.C. § 1321(c), and/or may seek judicial enforcement of this Order pursuant to Section 311(e) of CWA, 33 U.S.C. § 1321(e).

**VII. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR**

The OSC shall be responsible for overseeing the proper and complete implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, 40 C.F.R. § 300.120, and the authority contained in Section 311(c) of CWA, 33 U.S.C. § 1321(c), including the authority to:

- (1) remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, at any time;
- (2) direct or monitor all Federal, State and private action to remove a discharge;
- (3) remove and, if necessary, destroy a vessel discharging or threatening to discharge, by whatever means available; and
- (4) determine when the removal is complete.

Absence of the OSC from the Facility shall not be cause for stoppage of work unless specifically directed by the OSC.



### **VIII. REIMBURSEMENT OF COSTS**

Respondent shall reimburse United States, upon written demand, for all response costs incurred by the United States in overseeing Respondent's implementation of the requirements of this Order. U.S. EPA may submit to Respondent on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. Response costs shall consist of all costs, including indirect costs, incurred by U.S. EPA, its employees, agents, contractors, consultants and other authorized and/or designated representatives in connection with U.S. EPA's oversight and or/performance of the Work Plan.

Respondents shall, within thirty (30) calendar days of receipt of a bill and accounting, remit a check for the amount of those costs made payable to the United States Coast Guard, or make such payment via electronic transfer, as directed by the U.S. EPA Project Coordinator. Interest at a rate established in 4 C.F.R. § 102.13, pursuant to 40 C.F.R. § 13.11(a), shall begin to accrue on the unpaid balance from the day after the expiration of the thirty-day period notwithstanding any dispute or an objection to any portion of the costs. Checks shall specifically reference the Facility and FPN (096001) and be sent to:

United States Coast Guard - Oil Pollution  
Re: FPN 096001  
P.O. Box 7777-W7615  
Philadelphia, Pennsylvania 19175-7615

Respondent shall simultaneously transmit a copy of the check to the Director, Waste Management Division, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Koppers Coal Tar Spill" and shall reference the payor's name and address and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 C.F.R. § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

### **IX. RESERVATION OF RIGHTS AGAINST RESPONDENT**

Except as specifically provided in this Order, nothing herein shall limit the power and authority of U.S. EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened discharge of oil at or from the Facility. Further, nothing herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary,



or to require the Respondent in the future to perform additional activities pursuant to CWA or any other applicable law.

#### **X. CLAIMS AGAINST OTHER PARTIES**

Nothing in this Order shall constitute or be construed as a discharge from any claim, cause of action or demand in law or equity against any person, firm, partnership, venturer or corporation not bound by this Order for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, discharge, or disposal of any oil, solid wastes, pollutants, hazardous substances or contaminants found at, taken to, or taken from the Facility or for any other liability for costs or expenses related to the work.

#### **XI. MODIFICATION**

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. Any other requirements of this Order may be modified in writing by mutual agreement of the parties.

If Respondent seeks permission to deviate from any approved plan or schedule, Respondent's Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondent shall relieve Respondent of its obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

#### **XII. NOTICE OF COMPLETION**

After submission of the Final Report, Respondent may request that EPA provide a Notice of Completion of the work required by this Order. If EPA determines, after EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), EPA will provide written notice to the Respondent. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondent, provide a list of the deficiencies, and require that Respondent modify the Work Plan if appropriate to correct such deficiencies. The Respondent shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA



notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

#### **XIII. SEVERABILITY**

If a court issues an order that invalidates any provision of this Order or finds that Respondent has sufficient cause not to comply with one or more provisions of this Order, Respondent shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

#### **XIV. OPPORTUNITY TO CONFER**

Within 3 business days after issuance of this Order, Respondent may request a conference with U.S. EPA. Any such conference shall be held within 5 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondent may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondent may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondent may submit any information, arguments or comments (including justifications for any assertions that the Order should be withdrawn against a Respondent), in writing to EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondent a right to seek review of this Order. Requests for a conference shall be directed to Jeffrey M. Cox, Assistant Regional Counsel, at (312) 353-3112. Written submittal shall be directed as specified in Section V.3 of this Order.

#### **XV. EFFECTIVE DATE**

This Order shall be effective upon signature by the Director, Superfund Division, U.S. EPA Region 5.

IT IS SO ORDERED

BY: \_\_\_\_\_

*William E. Muno*  
William E. Muno, Director  
Superfund Division  
United States Environmental  
Protection Agency  
Region 5

DATE: \_\_\_\_\_

*10/5/95*



INFORMATION SHOWN ON THIS FORM IS SUBJECT TO MINOR CHANGES.  
OFFICIAL NRC REPORTS ARE SENT TO VNTSC ON A DAILY BASIS.

From: National Response Center  
USCG HQ Washington, D.C.  
1-800-424-8802

To: MR GEBIEN  
U. S. EPA V  
Incident Report # 306846

#### INCIDENT DESCRIPTION

\*Report taken by MST3 BRIGHT at 00:22 on 09-SEP-95  
Incident Type: PIPELINE  
Incident Cause: EQUIPMENT FAILURE  
Affected Area: CHICAGO SANITARY SHIPPING CANAL  
The incident occurred on 08-SEP-95 at 20:15 local time.  
Affected Medium: WATER

#### REPORTING PARTY

Name: MARK CILLEY  
Organization: KOPPERS INDUSTRIES  
Address: 3900 S LARAMIE AVE  
CICERO, IL 60650  
KOPPERS INDUSTRIES called for the responsible party.  
Day Phone: (708)6565900  
Type of Organization: PRIVATE ENTERPRISE

#### SUSPECTED RESPONSIBLE PARTY

Name: MARK CILLEY  
Organization: KOPPERS INDUSTRIES  
Address: 3900 S LARAMIE AVE  
CICERO, IL 60650  
Day Phone: (708)6565900  
Type of Organization: PRIVATE ENTERPRISE

#### INCIDENT LOCATION

3900 S LARAMIE AVE  
CICERO, IL 60650  
County: COOK

#### RELEASED MATERIAL(S)

CHRIS Code: OCT OIL, MISC: COAL TAR  
Qty Released: 0 UNK(S) Qty in Water: 0 UNK(S)

#### SOURCE/CAUSE OF INCIDENT

STORAGE TANK TRANSFER LINE RUPTURED AT A WELD JOINT

*Phil Dale*  
SEE ATTACHED NOTE

#### DAMAGE

Injuries: Fatalities: Evacuations: Damages: Air Close: Road Close:  
N N

#### REMEDIAL ACTIONS

RELEASE SECURED/BOOMS DEPLOYED/CLEAN-UP CREWS ENROUTE/CHIMS ON SCENE

#### NOTIFICATIONS BY CALLER

EPA: STATE: CG: Y OTHER: DESC: CHIMS

USCG MEADK

#### NOTIFICATIONS BY NRC

MSO CHICAGO  
09-SEP-95 00:48  
NOAA RPTS RGN V (1ST CLASS BB)  
09-SEP-95 00:00

PO MEADK

(202)2672165

9-12 10:00  
BACK TO U.S. EPA  
CALLED RICH KARR



INFORMATION SHOWN ON THIS FORM IS SUBJECT TO MINOR CHANGES.  
OFFICIAL NRC REPORTS ARE SENT TO VNTSC ON A DAILY BASIS.

From: National Response Center  
USCG HQ Washington, D. C.  
1-800-424-8802

To: MR GEBIEN  
U. S. EPA V  
Incident Report # 306846

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INCIDENT DESCRIPTION

\*Report taken by MST3 BRIGHT at 00:22 on 09-SEP-95

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NOTIFICATIONS BY NRC

IL EPA ERT ATTN: DENNIS AHLBERG	
09-SEP-95 00:00	(217) 7821431
IN DEPT ENV MNGMT ATTN: KEN RHAME	
09-SEP-95 00:00	(317) 2336358
U. S. EPA V	MR GEBIEN

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ADDITIONAL INFORMATION

SHEEN SIZE: UNKNOWN WILL NOTIFY: ESDA

\*\*\*\*\* END OF REPORT # 306846 \*\*\*\*\*

~~OSC~~

SPILL CAUSED INTO REGION 5 BY USCG PO MEADE MSO CHICAGO,  
ON 9/8/95 11:30pm. PO MEADE INDICATED RELEASE RESULTED IN  
SHEEN ON SANITARY SHIP CANAL. PO MEADE ISSUED NOTICE OF FEDERAL  
INTEREST. OSC NIED CONTACTED AT 11:35 pm. OSC NIED RESPONSE  
APPROX 12:15 AM. HERITAGE ENVIRONMENTAL ON-SCENE AND  
DEPLOYED BOOM. MSO PO MEADE ALSO ON-SCENE. PER OSC  
NIED KOPPER RESPONSE APPEARS ADEQUATE VIA HERITAGE ENVIR.  
OSC NIED WILL MAKE FOLLOW-UP VISITS TO SCENE ON 9/9/95.

*Chel*



INFORMATION SHOWN ON THIS FORM IS SUBJECT TO MINOR CHANGES.  
OFFICIAL NRC REPORTS ARE SENT TO VNTSC ON A DAILY BASIS.

From: National Response Center  
USCG HQ Washington, D.C.  
1-800-424-8802 FTS 202-267-2675

To: MR LALL  
U. S. EPA V  
Incident Report # 308816

#### INCIDENT DESCRIPTION

\*Report taken by MST2 EASON at 18:02 on 26-SEP-95, Incident Type: PIPELINE

Incident Cause: EQUIPMENT FAILURE  
Affected Area: CHICAGO SANITARY SHIPPING CANAL  
The incident occurred on 08-SEP-95 at 20:15 local time.  
Affected Medium: WATER

#### REPORTING PARTY

Name: MARK CILLEY  
Organization: KOPPERS INDUSTRIES  
Address: 3900 S LARAMIE AVE  
CICERO, IL 60650  
KOPPERS INDUSTRIES called for the responsible party.  
Day Phone: (708)6565900  
Type of Organization: PRIVATE ENTERPRISE

#### SUSPECTED RESPONSIBLE PARTY

Name: MARK CILLEY  
Organization: KOPPERS INDUSTRIES  
Address: 3900 S LARAMIE AVE  
CICERO, IL 60650  
Day Phone: (708)6565900  
Type of Organization: PRIVATE ENTERPRISE

#### INCIDENT LOCATION

3900 S LARAMIE AVE  
CICERO, IL 60650  
County: COOK

#### RELEASED MATERIAL(S)

CHRIS Code: OCT OIL, MISC: COAL TAR  
Qty Released: 0 UNK(S) Qty in Water: 0 UNK(S)

#### SOURCE/CAUSE OF INCIDENT

STORAGE TANK TRANSFER LINE RUPTURED AT A WELD JOINT

#### DAMAGE

Injuries: Fatalities: Evacuations: Damages: Air Close: Road Close:  
N N

#### REMEDIAL ACTIONS

RELEASE SECURED/BOOMS DEPLOYED/CLEAN-UP CREWS ENROUTE/CHIMS ON SCENE

#### NOTIFICATIONS BY CALLER

EPA: STATE: CG: Y OTHER: DESC: CHIMS

#### NOTIFICATIONS BY NRC

U. S. EPA V

#### ADDITIONAL INFORMATION

SHEEN SIZE: UNKNOWN WILL NOTIFY: ESDA

*PC Lall*



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GENERIC / UPDATE QUESTIONS & ANSWERS

1. WHAT WAS THE ORIGINAL CALL NUMBER?  
306846
2. ADDITIONAL INFORMATION  
QUANTITY IS NOW KNOWN 17,000 GALLONS
3. ADDITIONAL INFORMATION